

AMENDMENT UNDER 37 C.F.R. § 1.111
USAN 09/769,272

REMARKS

The present Amendment is in response to the Office Action dated July 17, 2002. In view of the foregoing amendments and the comments which follow, favorable reconsideration is respectfully requested.

In the Office Action, the Examiner has rejected the pending claims over several combinations of prior art references, as summarized below:

Claims 5, 6, 17 and 18 are rejected under §103 as unpatentable over Moore in view of Mocha;

Claims 7-12 and 16 are rejected over the combination of Moore, Mocha and Evans; and

Claims 13-15 are rejected under §103 as unpatentable over Moore, Mocha and Evans.

Applicant will address each of the foregoing prior art rejections in turn.

Referring to the rejection of claims 5, 6, 17 and 18, Applicant has amended claim 6 and 17 and requests reconsideration on the basis of the following.

The Moore reference cited by the Examiner is simply a fiber optics system which replaces the traditional wiring which is used for navigational lights. As shown in Figure 1, for example, navigational light fixtures 12A-12F are arranged at standard locations on the vessel. Instead of using individual lights which are individually electrically wired, the Moore system uses a central power source and a central light source, and feeds the light to the fixtures 12A-12F via standard fiber optic waveguides. It is apparent that Moore neither discloses nor suggests an electroluminescent lamp as claimed. Fiber optic waveguides are clearly distinct from electroluminescent lamps. Moreover, with respect to claim 6 in particular, the invention is now

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more specifically claimed as providing non-navigational auxiliary illumination, whereas the light fixtures of Moore are specifically described as being the traditional navigational lights.

The Mocha reference cited by the Examiner merely discloses a lighted tell-tale. The tell-tales are disclosed as being made of optical fibers which are fed by a conventional LED. As noted previously, the claimed electroluminescent lamps are clearly distinct from traditional light fibers. Moreover, it is difficult to discern how the typical small tell-tale strip can be interpreted as providing "auxiliary illumination."

The combination as proposed by the Examiner is similarly lacking. The Examiner does not explain the motivation for combining traditional navigational lights with tell-tale strips, and it is believed that no rational motivation can be advanced. Rather, it is clear that the combination has been promulgated through use of hindsight.

Moreover, as already noted, the references and their combination fail to disclose or suggest an electroluminescent lamp, much less electroluminescent lamps used for non-navigational auxiliary illumination.

Turning now to the rejection of claims 7-12 and 16, the Examiner has applied the further patent to Evans. However, Evans is not believed to be combinable with the previously described references, nor does it provide any teaching regarding non-navigational auxiliary illumination. Evans does, however, at least disclose electroluminescent lamps. However, these lamps are clearly specifically for navigational purposes, using the traditional red/port, green/starboard convention.

Further, despite the comments made by the Examiner, the combination does not teach the majority of the limitations of the rejected claims. For example, the references do not

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cumulatively disclose a dinghy, a jet ski, a rescue vehicle or a life raft. Indeed, no cited prior art reference even remotely discusses the use of or need for auxiliary illumination for such marine craft. The Examiner has simply created an argument which is not at all based on prior art teachings.

Finally, concerning the rejection of claims 13-15, Applicant would remind the Examiner that this set of claims are specifically directed to immersible bodies. Applicant would respectfully point out that none of the lighting described in any of the prior art is designed for immersible use. The Examiner's argument that the boat hull qualifies as an immersible body is neither availing nor convincing, inasmuch as, to the extent that the Examiner's prior art describes hull lighting at all, such lighting is clearly not intended for immersion. Finally, the Examiner's argument that a diver's flipper is equivalent to a boat keel, and his further argument that a boat gunwale is equivalent to a diving mask, are so far fetched as to seemingly not require serious rebuttal.

In view of the above, it is clear that the prior art, taken individually or in combination, is singly lacking in any coherent teaching of the invention as claimed. Accordingly, favorable reconsideration of the subject application and claims 5-18 is respectfully requested at this time.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

Date: December 17, 2002

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE TITLE:

The title is changed as follows:

MARINE CRAFT AND APPARATUS INCLUDING ELECTROLUMINESCENT
AUXILIARY ILLUMINATION

IN THE CLAIMS:

The claims are amended as follows:

6. (Amended) A marine craft, comprising:
 - at least one flotation structure; and
 - at least one electroluminescent lamp attached to said flotation structure, to provide non-navigational auxiliary illumination for said marine craft in low-light or no-light conditions.

17. (Amended) A craft as claimed in claim 5, wherein said sail structure includes a mast.